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JAN 19 1999  
January 13, 1999

**FCC MAIL ROOM**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445-Twelfth St. SW  
TW- A 325  
Washington, D.C. 20554

RE: Petition for Rule Making  
New FM Channel 240A  
Wellton, Arizona

Dear Ms. Salas:

Enclosed please find an original and five (5) copies of a Petition for Rule Making, filed on behalf of L. Topaz Enterprises, Inc., requesting the allotment of FM Channel 240A (95.9 MHz) to Wellton, Arizona as that community's second FM service.

If this proposal is ultimately adopted, L. Topaz Enterprises, Inc., will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of this letter is enclosed. Please date-stamp and return to me in the enclosed postage-paid envelope.

If you have any questions, please call: 1-608-831-8708.

Thank you.

Enclosures:

cc: John A. Karousos  
Chief, Allocations Branch

sent via certified mail

Respectfully submitted,

*Dale A. Ganske*

Dale A. Ganske, President  
L. Topaz Enterprises, Inc.  
3325 Conservancy Lane  
Middleton, Wi. 53562

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket _____
Table of Allotments,	)	RM - _____
FM Broadcast Stations	)	
(Wellton, Arizona)	)	

To: The Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 240A to Wellton, Arizona, as that community's second local FM service.

**Proposal of Petitioner:**

	<u>Channel Numbers</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Wellton, Arizona	283C2	240A, 283C2

In support of this proposal, the following information is herewith submitted for consideration:

Wellton is an incorporated community located in Yuma County in southwestern Arizona, approximately 200 kilometers southwest of Phoenix, Arizona. The city population is 1,066 and the county population is 106,895 1/. Adoption of this proposal will provide Wellton with its second local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Wellton, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Wellton, Arizona. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

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1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President  
3325 Conservancy Lane  
Middleton, WI 53562  
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President  
P.O. Box 1787  
Cleveland, MS 38732  
(601) 846-1787  
(601) 843-0494 (Fax)

January 9, 1999



# **Contemporary Communications**

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P.O. BOX 1787 □ CLEVELAND, MS 38732

## **TECHNICAL EXHIBIT**

IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 240A  
WELLTON, ARIZONA

L. TOPAZ ENTERPRISES, INC.

Prepared January 9, 1999

CONTEMPORARY COMMUNICATIONS  
Broadcast Consultants  
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e-mail: [larry@deltaradio.net](mailto:larry@deltaradio.net)

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## **TECHNICAL EXHIBIT**

**IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 240A  
WELLTON, ARIZONA**

**L. TOPAZ ENTERPRISES, INC.**

## **INTRODUCTION**

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 240A to Wellton, Arizona, as that community's second local FM channel.

## **ALLOCATION**

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 240A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 240A may be allocated to Wellton in full compliance with Section 73.207(b), without the imposition of a specific site-restriction.

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The "area-to-locate" for Channel 240A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Wellton in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

## **CONCLUSION**

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 240A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

###

# Contemporary Communications

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## CERTIFICATION

State of Mississippi                    )  
  ) ss.  
County of Bolivar                    )

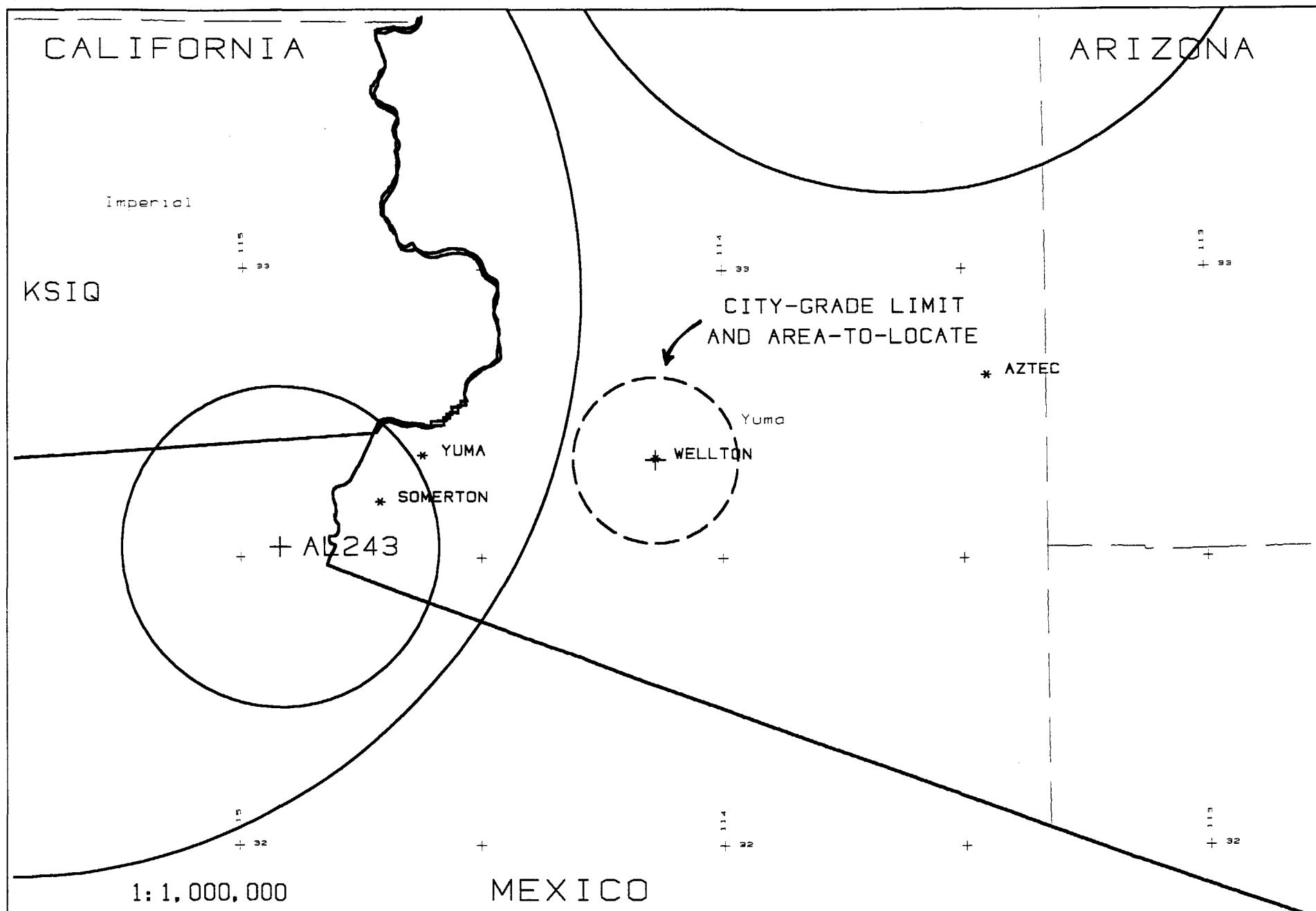
I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. TOPAZ ENTERPRISES, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss  
Larry G. Fuss  
Affiant

1/7/99  
Date





<p>Scale in km</p> <p>0 10 20 30 40 50 60 70</p>	<p>AREA-TO-LOCATE - CH. 240A</p> <p>N. Lat. 32 40 13 W. Lng. 114 08 22</p>	<p>EXHIBIT A</p> <p>WELLTON, ARIZONA</p>
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CONTEMPORARY COMMUNICATIONS  
BROADCAST CONSULTANTS

EXHIBIT B

WELLTON ARIZONA  
NEW FM DROP-IN SEARCH

REFERENCE

32 40 13 N

114 08 22 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 01-09-99

SEARCH 01-09-99

----- Channel 240 - 95.9 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KSIQ LI	241B Brawley	CA	131.36	284.3	113.0	18.36
32 57 12	115 30 05 M CN	50.000 kW		90 M		
	Stodelle Broadcasting Corpora	BLH941125KA		971117		
AL243 AL	243A Lagunitas	BN	74.85	257.1	31.0	43.85
32 31 05	114 54 58 A	0.000 kW		0 M		
				921004		
ALOPEN AL	241A Salome	AZ	132.71	21.5	72.0	60.71
33 46 54	113 36 42 M N	0.000 kW		0 M		
97-27				980310		